

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Dr. Raul Ruiz for Congress and John Pinkney in his official capacity as Treasurer; Representative Raul Ruiz; Titus for Congress and Jennifer May in her official capacity as Treasurer; Representative Dina Titus; Dan Roberti; Leslie Murphy; Representative Patrick E. Murphy; Thomas Murphy; Friends of Patrick Murphy and Brian Foucart in his official capacity as Treasurer; and Representative Suzan DelBene.

Respondents.

MUR 7079

CELA

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2016 JUL 21 AM 9:19

**MOTION FOR EXTENSION TO RESPOND TO COMPLAINT**

Respondents respectfully move the Commission to extend the date of their response to the complaint in MUR 7079 (the "Complaint") until August 1, 2016. To grant the extension unconditionally would be entirely consistent with the Commission's normal practices. It would permit Respondents to assist the Commission in reviewing a sweeping, ill-grounded complaint. An unconditional extension would not prejudice the Commission's evaluation of the Complaint, and the Commission should grant the extension.

The Complaint in MUR 7079 presents complex, speculative allegations of a supposed scheme that are drawn from FEC reports filed years ago. The Complaint was targeted almost entirely at other respondents besides the ones making the instant motion.<sup>1</sup> On June 29,

---

<sup>1</sup> See Complaint at 1 ("Complaint Against Ami Bera; Janine Bera; Babulal Bera; Kanta Bera; Ami Bera for Congress; and Jennifer May"). Jennifer May is a compliance specialist who serves as a paid treasurer for multiple committees, including two respondents in this matter.

170441-100008  
counsel submitted timely extension requests on behalf of the Ruiz committee and its treasurer, the Titus committee and its treasurer, Representative Murphy, Mrs. Murphy and Dan Roberti. On July 7, counsel submitted timely extension requests on behalf of Thomas Murphy and Representative Suzan DelBene.<sup>2</sup> These requests sought a uniform response date of August 26. That date was warranted by multiple circumstances: the Complaint's far-flung allegations; the pendency of the Democratic National Convention and the general election, in which many of the Respondents are closely engaged; and the fact that Dan Roberti is a former candidate who stopped seeking office long ago.<sup>3</sup>

However, a full fourteen days after Respondents' counsel submitted the initial extension request, the Office of General Counsel ("OGC") told Respondents' counsel that it would deny the requests, unless the Respondents agreed to toll the statute of limitations. Despite the considerations that warranted extension until August 26, Respondents offered to respond to the Complaint by August 1, which is consistent with the extensions the Commission ordinarily grants. Still, OGC told Respondents' counsel that they would have to toll as a condition of receiving *any* extension.

The Commission should grant unconditional extensions to Respondents until August 1. There is no justification for requiring them to waive their rights as a condition of an effective response. Representative DelBene, Representative Murphy, Representative Ruiz and Representative Titus are current candidates for Federal office and are consumed with ongoing election activities. The factual allegations in the Complaint go back years, making it especially difficult for all of the Respondents to collect the information necessary for their response. This is especially true for Mr. Roberti, whose campaign ended long ago. The legal

---

<sup>2</sup> A copy of each extension request is attached to this motion.

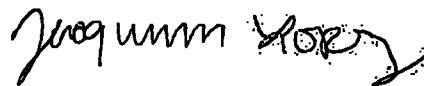
<sup>3</sup> Counsel did not include Friends of Patrick Murphy, Brain Foucart, Representative Titus or Representative Ruiz in the initial extension requests as counsel did not receive the notification letters until July 13, 2016.

theory advanced by the Complaint is ill-supported and highly speculative. This Complaint especially would benefit from a uniform response, not from a rushed one.

Respondents understand that the Commission wants to resolve this Complaint on an expedited basis and they have cooperated with OGC toward that end. While Respondents initially sought a uniform response date of August 26, and while they continue to believe that such an extension is fully warranted under the special circumstances of this Complaint, they were willing to accelerate the process, despite the practical difficulties involved, and settle for a uniform response date of August 1. However, OGC has indicated that the Respondents must toll the statute of limitations even for that. At this point, Respondents are simply asking the Commission to grant the same sort of normal, unconditional extension it would ordinarily grant.

The Commission has full power to grant the extension requested in this matter and Respondents respectfully request that it do so.<sup>4</sup> Respondents should not have to waive their rights to be able to properly respond to the sweeping allegations in the Complaint. We respectfully request the Commission extend the time to respond to the Complaint in MUR 7079 unconditionally until August 1, 2016.

Respectfully Submitted,



Marc E. Elias

Kate Sawyer Keane

Graham M. Wilson

Jacquelyn K. Lopez

---

<sup>4</sup> See Federal Election Commission, Guidebook for Complainants and Respondents on the FEC Enforcement Process 10-11 (2012).